

UNITED STATES DISTRICT COURT

for the
District of Arizona

10/19/17
MA
United States of America)

v.)

Juan Carlos German-Ponce,
a.k.a.: Juan Carlos Acuna-Fontes,
(A205 253 876)

Defendant)

Case No. 17-7526MS

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of October 18, 2017, in the County of Maricopa, in the District of Arizona, the defendant violated Title 8, U.S.C. § 1326(a), an offense described as follows:

Juan Carlos German-Ponce, an alien, was found in the United States of America at or near Phoenix, in the District of Arizona, after having been previously denied admission, excluded, deported, and removed from the United States at or near Del Rio, Texas, on or about December 5, 2015, and not having obtained the express consent of the Secretary of the Department of Homeland Security to reapply for admission thereto; in violation of Title 8, United States Code, Section 1326(a).

I further state that I am a Deportation Officer.

This criminal complaint is based on these facts:

See Attached Statement of Probable Cause Incorporated By Reference Herein

CSW
REVIEWED BY: AUSA Cassie Bray Woo for AUSA Sheila Phillips

☒ Continued on the attached sheet.


Complainant's signature

Darrin J. McNeill,
Deportation Officer
Printed name and title

Sworn to before me and signed in my presence.

Date: October 20, 2017


Judge's signature

City and state: Phoenix, Arizona

Bridget S. Bade,
United States Magistrate Judge
Printed name and title

STATEMENT OF PROBABLE CAUSE

I, Darrin J. McNeill, being duly sworn, hereby depose and state as follows:

1. Your affiant is a Deportation Officer with United States Immigration and Customs Enforcement (ICE). I have learned from direct participation in the investigation and from the reports and communications of other agents and officers the facts recited herein.
2. On October 18, 2017, Juan Carlos German-Ponce was arrested by the Phoenix Police Department and booked into the Maricopa County Jail (MCJ) on local charges. While incarcerated at the MCJ, German-Ponce was examined by ICE Officer G. Burns who determined German-Ponce to be a citizen of Mexico, illegally present in the United States. On the same date, an immigration detainer was lodged with the county jail. On October 19, 2017, German-Ponce was released from the MCJ and transported to the Phoenix ICE office for further investigation and processing. German-Ponce was held in administrative custody until his criminal and immigration records could be obtained and his identity confirmed.
3. Immigration history checks revealed Juan Carlos German-Ponce to be a citizen of Mexico and a previously deported criminal alien. German-Ponce was removed from the United States to Mexico at or near Del Rio, Texas, on or about December 5, 2015, pursuant to the reinstatement of an order of removal issued by an immigration official. There is no record of German-Ponce in any Department of Homeland Security database to suggest that he obtained permission from the Secretary of the Department

of Homeland Security to return to the United States after his removal. German-Ponce's immigration history was matched to him by electronic fingerprint comparison.

4. On October 19, 2017, Juan Carlos German-Ponce was advised of his constitutional rights. German-Ponce freely and willingly acknowledged his rights and declined to make any further statements.
5. For these reasons, this affiant submits that there is probable cause to believe that on or about October 18, 2017, Juan Carlos German-Ponce, an alien, was found in the United States of America, at or near Phoenix, in the District of Arizona, after having been previously denied admission, excluded, deported, and removed from the United States at or near Del Rio, Texas, on or about December 5, 2015, and not having obtained the express consent of the Secretary of the Department of Homeland Security to reapply for admission thereto; in violation of Title 8, United States Code, Section 1326(a).



Darin J. McNeill,
Deportation Officer,
Immigration and Customs Enforcement

Sworn to and subscribed before me
this 20th day of October, 2017.



Bridget S. Bade,
United States Magistrate Judge